

Chuck Bitting
address on card
speak 16 & 20

14 April 2016

ARG590000 Hearing, Jasper, Arkansas

Oral comments of National Park Service as delivered by Chuck Bitting.

We have reviewed the draft permit ARG590000. We oppose the draft permit in its current form as we feel that the proposed changes will make the permit less protective of water quality.

We feel that the importance of making this permit as protective of water quality as possible is ~~highly important~~ to the health of the Buffalo River, our neighbors, and our million plus annual visitors.

necessity (CJB)

We appreciate the opportunity to comment on the draft permit, and hope some, if not all, of our proposed edits will find their way into the final permit. I will go over our general comments. Our specific comments are too lengthy to cover at this hearing.

General Comments:

The Clean Water Act requires ADEQ to establish and implement an Antidegradation Policy. This policy applies to all streams listed as ERW, ESW, and NSW (Tier 3 streams).

The draft permit does not appear to be protective of these Tier 3 streams. The Antidegradation requirements set out in 40 CFR require the State to "Protect and Maintain" the quality of water within these streams.

In the 2008 303(d) Assessment Methodology, a Tier 3 stream was considered impaired if its water quality dropped from conditions present when it was designated a Tier 3 stream.

The 2008 Assessment Methodology (AM) was the last Arkansas AM accepted by EPA, and as such, should be the guiding policy on Antidegradation.

The 300 foot buffer for Tier 3 streams in this draft permit is ~~wholly~~ unreasonable, and cannot be expected to be protective of the water quality within the stream.

~~The Fact Sheet~~ ^{c 32} for this draft permit ^{The} indicates that Big Creek Research and Extension Team data ^{is the} is the only source which will be used to determine if the current moratorium on swine CAFOs will be continued.

NPS staff have been sampling 32 stations on the Buffalo River and its tributaries since 1985. This body of data must also be considered, particularly since BCRET is not even sampling in the Buffalo River.

In addition to NPS data, USGS data on Big Creek at Carver is another source of high quality data which BCRET is not reporting.

Several citizen scientists are also collecting water quality data on Big Creek, the Buffalo River, and the surrounding environs. These groups are using EPA accepted methods and procedures to collect their data and certified labs to process the samples. These data ^{will also} ~~would~~ have to be accepted.

Additional biological data on fish and macro-invertebrates are being collected by NPS, USGS, AGFC, and other researchers using standard collection methods.

Finally, bat ^{monitoring} ~~sampling~~ and roosting ^{surveys are being conducted} ~~data is being collected~~ throughout the watershed by NPS, USFS, USFWS, The Nature Conservancy, Arkansas State University, Arkansas Tech University, and the Cave Research Foundation among others. This data must also be considered in the decision.

The moratorium in Regulations 5 and 6 does not give ADEQ authority to decide which data to use and which to throw out.

We are concerned that the system of holding public meetings at the end of the comment period is a problem as this is too late for many people to make comments.

We believe that in order to better protect the health of citizens and our natural environment, Large and Medium CAFOs are more properly permitted with individual permits.

The public does not have adequate opportunity to address their concerns to ADEQ under the current system.

~~This draft permit seems to do away with the 5 year lifecycle of a general permit.
Such an action will certainly eliminate the opportunity for the public to make
comments on the record. CSB~~

~~Regulation 22 has several excellent
site selection requirements for protecting
water and public health. These include
getting an understanding of Karst, Holocene
faults, and unstable areas.
These requirements should be included
in the general permit.
(CSB)~~